

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**CODY WARDEN,
Plaintiff,**

v.

**TARRANT COUNTY DISTRICT
ATTORNEY'S OFFICE, et al.,
Defendants.**

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CIVIL ACTION NO. 4:22-CV-631-P

**ORDER RECOMMENDING DISMISSAL
AND RETURNING CASE TO DISTRICT JUDGE**

On July 22, 2022, *pro se* Plaintiff Cody Warden filed a Complaint [doc. 1] against the Tarrant County District Attorney's Office, Euless Police Department, and Burleson Police Department.¹ Thereafter, on August 24, 2022, the Court issued an Order [doc. 20] requiring compliance with this district's local rule that requires parties to register as electronic case filers. On September 7, 2022, the Court entered an Order [doc. 30] for Plaintiff to show cause, in writing, no later than September 21, 2022, as to why he had not complied with the August 24, 2022, Order [doc. 20]. As of the date of this Order, Plaintiff has wholly failed to comply with both the Court's August 24 and September 21, 2022, Orders.

Moreover, the docket sheet reflects that, since August 2, 2022, all mail sent by the Clerk's office to Plaintiff has returned as undeliverable and that Plaintiff has failed to update the Court with his current address.² As such, the Court is unable to communicate with him. By failing to provide the Court with his current address, Plaintiff fails to prosecute this case. A "[d]ismissal is further warranted when plaintiffs fail to provide the Court with a current address." *Turner v. Tex.*,

¹ Plaintiff was authorized to proceed in forma pauperis on August 22, 2022 [doc. 19]. On August 24, 2022, the undersigned issued its findings, conclusions, and recommendation [doc. 21] regarding dismissing claims against Euless and Burleson Police Departments pursuant to screening provisions of 28 U.S.C. § 1915(e).

² A review of on-line records at the Tarrant County Jail confirms Plaintiff is not currently held there.

No. 3:20-CV-1669-X(BT), 2020 WL 6747387, at *1 (N.D. Tex. Oct. 28, 2020), *rec. adopted*, 2020 WL 6741653 (N.D. Tex. Nov. 16, 2020) (dismissing plaintiff's suit for failing to prosecute the case by not providing the Court with a current address). Consequently, the Court **RECOMMENDS** that the above-styled and numbered cause be **DISMISSED** for failing to comply with the Court's Orders and failing to provide the Court with an updated address.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted **until October 19, 2022**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days

of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED October 5, 2022.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE